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DECISION



**THE COMPTROLLER GENERAL
OF THE UNITED STATES**
WASHINGTON, D.C. 20548

FILE: B-204176

DATE: August 20, 1981

MATTER OF: Aleman Food Service Inc.

DIGEST:

Protest concerning alleged improprieties in solicitation apparent prior to bid opening, but filed after bid opening, is untimely and will not be considered on merits.

Aleman Food Service Inc., by letter received in our Office on July 28, 1981, protests invitation for bids (IFB) No. DABT51-81-B-0085, issued by the Department of the Army. Aleman questions the IFB procedure for evaluating bids and contends that the specifications are ambiguous.

Our Bid Protest Procedures require that protests such as this, based on alleged improprieties in an IFB which are apparent prior to bid opening, be filed prior to that date. 4 C.F.R. § 21.2(b)(1) (1981). The Army advises that bid opening was on July 21, 1981. Since Aleman did not file its protest before that date, the protest is untimely and will not be considered on the merits. See Inland Services Corporation, B-198925, October 17, 1980, 80-2 CPD 292.

The protest is dismissed.

F. H. Bowley, Jr.

For Harry R. Van Cleve
Acting General Counsel

[Untimely Protest of Alleged Improprieties in IFB]

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